

### **REMARKS**

Applicants acknowledge receipt of the Office Action dated 21 January 2010. Previously, Applicants filed an Amendment and Request for Continued Examination on 14 December 2009 while also attempting to conduct an examiner interview. On 22 December 2009, an examiner interview was conducted (with an Interview Summary issued 30 December 2009). Applicants then, on 18 January 2010, attempted to submit a Preliminary Amendment in accordance with the substance of the examiner interview. However, the Preliminary Amendment was not considered by the Examiner and should not be entered; instead, Applicants respectfully request reconsideration in view of the present response which directly addresses the 21 January 2010 Office Action.

#### ***Examiner Interview***

The Interview Summary issued by the Examiner on 30 December 2009 details the telephonic interview conducted between Examiner Bates and Applicants' representative Matt Moscicki. Applicants agree with most of the Interview Summary, specifically that Bullock (6,564,875) does not teach radial expansion and plastic deformation of both tubular members cited by the Examiner, as detailed more fully in the Amendment filed 14 December 2009; and, that abutting the claimed tubular members distinguishes the teaching of Lohbeck (6,273,634). Applicants do not agree, however, that the two tubular members of Lohbeck cited by the Examiner are coupled as claimed. As stressed by Applicants in the examiner interview, claim 1, for example, includes coupling the ends of the tubular members in addition to coupling each of the tubular members to different ends of the sleeve. While Lohbeck teaches coupling each tubular member to different ends of the sleeve, there is no separate step of coupling the ends of the first and second tubular members. Though the Lohbeck tubulars are coupled by virtue of their connection to the sleeve, there is no additional step taught of coupling the tubulars. The pending claims include this additional step, and therefore are distinguished over Lohbeck. Nonetheless, Applicants agreed to amend certain of the claims to further prosecution of the present application, to include abutment as detailed below.

#### ***35 USC 102 Rejections based on Lohbeck***

In furtherance of the remarks made against Lohbeck in the Amendment dated 14 December 2009 and the remarks made above, Applicants amend certain of the pending claims to include "abutting the ends of the first and second tubular members." These claims include 1, 25, 27, 33, 34,

37, 42, 43, 44, 48, 58 and 147. The rejections of these claims were based on Lohbeck, and these claims and their dependent claims should now be distinguished and allowable over same.

***35 USC 103 Rejections based on Lohbeck***

The Examiner has rejected certain claims as obvious based on Lohbeck.

Regarding claim 2, the Examiner states that it would have been obvious to have included an internal flange on the sleeve of Lohbeck to provide an abutment interface between the tubular members that could keep them from longitudinal movement. However, it is unclear from Lohbeck or the knowledge of one having ordinary skill why this would be obvious, since Lohbeck already teaches that longitudinal movement is prevented by the locking screws 5, 11. Nothing in Lohbeck suggests to the skilled artisan that longitudinal movement is a problem. In fact, an internal flange would appear to interfere with the assembly of the Lohbeck connections since the locking screw holes on the tubular members must be aligned with the corresponding holes in the sleeve. An inner projection on the sleeve would interfere with the tolerances needed to align the holes. Thus, under the Supreme Court's standard in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385, 1396 (2007), the Examiner has failed to articulate a reasoning with some rational underpinning to support the legal conclusion of obviousness of claim 2.

Regarding claim 54, the Examiner states that it would have been obvious to connect the tubular members to the sleeve using threads. However, Applicants note that claim 54 includes no such feature, and instead includes two tubular members that are threadedly engaged. Lohbeck does not disclose threadedly engaging the two tubular members, and there is no suggestion or rationale for supporting a conclusion of obviousness that satisfies the *KSR* standard.

Claims 60-63 variously include flanges and threadedly engaged tubular members, and thus are also distinguishable over Lohbeck for at least the reasons just stated with regard to claims 2 and 54.

Consequently, Applicants respectfully submit that claims 2, 54 and 60-63 are allowable over Lohbeck.

***Double Patenting***

Claim 146 depends from claim 1, which has been amended. Therefore, claim 146 no longer conflicts with claim 125 of copending Application No. 10/510966. Applicants respectfully request the rejection be withdrawn.

**CONCLUSION**

Applicants respectfully request reconsideration, withdrawal of the rejections, and allowance of the pending claims. It is Applicants' desire that this case be brought to a swift resolution. Therefore, if the Examiner feels that a telephone conference would expedite the resolution of this case, she is respectfully requested to contact the undersigned.

During the course of these remarks, Applicants may have, at times, referred to particular limitations of the claims that are not shown in the applied prior art. This short-hand approach to discussing the claims should not be construed to mean that the other claimed limitations are not part of the claimed invention. They are, as required by law. Consequently, when interpreting the claims, each of the claims should be construed as a whole, and patentability determined in light of the claimed combination as a whole.

Should any fees have been inadvertently omitted, or if any additional fees are required, or if any fees have been overpaid, please appropriately charge or credit those fees to Deposit Account No. 03-2769 (2725-10105) of Conley Rose, P.C., Houston, Texas and consider this paper a petition for any necessary extension of time.

Respectfully submitted,

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